REMARKS

This is a response to the non-final Office Action dated March 7, 2006. Claims 1-11 and 13-29 were rejected. Claim 18 and the drawings were objected to.

Claims 1, 6, 9, 13-16, 18, 20, 21, 23, 25, 26, and 28 are amended in this response. Amendments were also made to Fig. 2 and page 9 of the Specification. No new matter is added by way of these amendments. Furthermore, for at least the reasons discussed herein, each of the presently pending claims are now in condition for allowance.

Claim Objections

Claim 18 is objected to because the Office Action found that it is not clear which proxy application is referred to on lines 2-3. In response, Claim 18 clarifies that the first proxy application is enabled to employ a dictionary based compression algorithm on at least a portion of at least one data stream that is communicated to the second proxy application. No new matter is added by this amendment.

Drawing Objections

The drawings are objected to as not depicting the claimed features "memory for storing data" and "processor for executing the stored data" specified in Claim 25. In response, Fig. 2 is amended to depict a processor and memory associated with each network accelerator. Such features were implicitly disclosed to a skilled person in the description of the running of the proxy application at page 7, line 13 to page 9, line 2. For the avoidance of doubt, a paragraph explicitly referring to these features is inserted on page 9.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 13-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 13, the Office Action alleges that the limitation "enabling the first proxy application to provide the data stream from the source node to the destination node over a first TCP transport layer connection, wherein the first proxy application forwards the-data stream over the plurality of TCP transport layer connections to the second proxy application" is not clear because the reference to 'a first TCP transport layer connection' appears contradictory to the claimed 'plurality of TCP transport layer connections'.

In response, Claim 13 is amended to clarify and particularly point out that the first proxy application is enabled to forward a data stream received from the source node via a first TCP transport layer **client** connection over at least one of the plurality of TCP transport layer connections between the first proxy application and the second proxy application, and the second proxy application is enabled to provide the data stream received over the plurality of TCP transport layer connections to the destination node over a second TCP transport layer **client** connection.

Additionally, dependent Claims 14-16 originally referred to first and second TCP transport layer connections. These claims are amended to now refer to first and second TCP transport layer client connections so that these features have correct antecedent basis.

As amended, Claims 13-16 overcome this 35 U.S.C. 112, second paragraph, rejection and are now allowable. Furthermore, Claims 17-19 are allowable for at least the same reasons as Claim 13, upon which they depend.

Claim Rejections - 35 U.S.C. § 112, First Paragraph

Claims 18, 23, 25 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The Office Action alleged that the feature "enabling the [first] proxy application to employ a dictionary based compression algorithm on at least a portion of at least one data stream that is communicated to the second proxy application" in Claims 18, 23 and 28 was not described in the original specification in a way that complies with the written description requirement.

In this response, attention is directed to the paragraph at page 5, lines 20-24 of the Specification. Here it is disclosed that the invention may use "a compression dictionary to compress all streams of data belonging to a given connection". At page 7, lines 9-10 the specification teaches that "each proxy connection will...connect over multiple transport layer (layer 4) (TCP) sessions". A skilled person can understand "a given connection" in this context to refer to any transport layer session. Compression of data streams is optional (page 5, lines 4-5). Thus, the specification teaches the skilled person that if compression is used not every data stream sent in a proxy connection need be compressed. Therefore, Claim 18, and amended Claims 23 and 28 meet the written description requirement of 35 U.S.C. 112, first paragraph, and are now in condition for allowance.

Regarding amended Claim 25, the Office Action alleged that the specification did not disclose the claimed memory or processor. However, for at least the reasons given above in relation to the objections to the drawings, this rejection has been overcome and amended Claim 25 is now allowable.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 6-11, 13-17, 19-22, 24, 26, 27 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Bartlett et al. (US 2003/0177396).

Regarding independent Claim 1, the Office Action alleges that the backbone connection disclosed in Bartlett is the claimed physical layer persistent connection, which can be used as a carrier for multiple TCP connections. However, the backbone connection in Bartlett is a "protocol connecting a pair of PEP peers" (paragraph [0066], lines 7-8). This protocol can be a transport layer protocol used **instead** of TCP. For example, paragraph [0067] discloses that this protocol "can be a protocol that resembles TCP". Further, the presence of the VPN 1305b and LAN driver 1307 in host 301 in Fig. 13 indicates that the backbone connection is encapsulated further before it is transmitted. It therefore must exist in a layer above the physical layer of the OSI model.

In contrast, amended Claim 1 recites the limitation of "opening two or more Transmission Control Protocol (TCP) transport layer end-to-end connections over at least one physical layer persistent connection between the local network accelerator and at least one remote network accelerator". The Office Action alleges that Bartlett discloses multiple TCP connections that are multiplexed together and carried on a single backbone connection. However, as explained above, Bartlett does not disclose that its backbone connection actually comprises TCP connections. Instead, Bartlett discloses that the backbone connections can **correspond** to TCP connections (see paragraphs [0067] and [0068]).

Thus, the connection between a local IP host 301 and its other IP host on the other side of the "backbone" disclosed in Bartlett does not teach or suggest including the claimed two or more TCP transport layer end-to-end connections between a local network accelerator and a remote network accelerator. Rather, Bartlett discloses intercepting TCP packets by a PEP peer 101, which can be arranged to multiplex the TCP packets together and send them over a single transport layer on a backbone connection. Thus the assertion in section 7 of the Office Action that Bartlett discloses that "data is carried over multiple TCP connections between the first PEP and second PEP" is not substantiated by the teachings of the cited reference.

Additionally, amended Claim 1 includes the further limitation of the remote network accelerator running another proxy application that operates as a proxy for the destination node. Clearly, this significant element is neither disclosed nor suggested by the Bartlett reference.

Therefore, based at least on the foregoing reasons, Claim 1 is neither anticipated nor obvious in view of Bartlett. Furthermore, dependent Claim 2 is allowable for at least the same reasons as independent Claim 1 upon which it depends.

Also, amended Claim 6 is not anticipated or suggested by Bartlett for at least substantially the same reasons as amended Claim 1. In particular, the backbone connection disclosed in Bartlett does not correspond to the claimed physical layer persistent connection. Bartlett does not disclose opening two or more Transmission Control Protocol (TCP) transport layer end-to-end connections between a local network accelerator and at least one remote network accelerator capable of carrying packets in parallel. Moreover, the cited reference does not teach another proxy application that operates as a separate proxy for the destination node.

Thus, amended Claim 6 is therefore neither anticipated nor obvious in view of Bartlett. Furthermore, dependent Claims 7-11 are allowable for at least the same reasons as amended independent Claim 6 upon which they depend.

Furthermore, the subject matter of amended Claim 13 is not anticipated or suggested by Bartlett for at least substantially similar reasons as discussed for amended Claims 1 and 6. As amended Claim 13 teaches opening a plurality of Transmission Control Protocol (TCP) transport layer connections between first and second proxy applications that are also in communication over separate TCP client connections with a source node and destination node respectively. As discussed above, Bartlett does not disclose that its backbone connection includes a TCP connection, let alone a plurality of TCP connections which are separate from TCP client connections between the proxy applications and the respective source and destination nodes.

Therefore, Claim 13 is neither anticipated nor obvious in view of Bartlett. Furthermore, dependent Claims 14-17 and 19 are allowable for at least the same reasons as Claim 13 upon which they depend.

In regard to Claim 20, Claim 20 is allowable for substantially the same reasons as Claim 13, having been subject to similar rejections. Furthermore, dependent Claims 21, 22 and 24 are allowable for at least the same reasons as Claim 20 upon which they depend.

In regard to Claim 25, Claim 25 is allowable since the method of Claim 13 implemented by this claim is not anticipated by Bartlett for the reasons stated previously. Furthermore, dependent Claims 26, 27 and 29 are allowable for at least the same reasons as Claim 25 upon which they depend.

Claim Rejections - 35 U.S.C. § 103

Claims 3-5, 18, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartlett in view of Dillon et al., (US 6,658,463). Since independent Claims 1, 13, 20 and 25 upon which these claims depend are not anticipated by Bartlett for the abovementioned reasons, Claims 3-5, 18, 23 and 28 are allowable over the suggested combination of references.

Additionally, Claims 1, 6, 9, 13-16, 18, 20, 21, 23, 25, 26, and 28 have been amended to remove some informalities and provide antecedent basis as needed. No new matter was added to these claims by this type of amendment.

CONCLUSION

This response has addressed fully all of the concerns expressed in the instant Office Action and claims 1-11 and 13-29 are in condition for allowance. Early favorable action is urged. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone the Applicant's attorney at the number listed below.

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Respectfully submitted,

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Attachment: Replacement sheet 2/4 of the drawings (Fig. 2)